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3
4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 SEATTLE TIMES COMPANY,

7 Plaintiff,

8 v.

9 LEATHERCARE, INC.; STEVEN RITT;
and the marital community composed of
STEVEN RITT and LAURIE ROSEN-
10 RITT,

Defendants/Third-Party
11 Plaintiffs,

12 v.

13 TOUCHSTONE SLU LLC; and
TB TS/RELP LLC,

14 Third-Party Defendants.

C15-1901 TSZ

ORDER

15 THIS MATTER comes before the Court on (i) a motion brought by plaintiff
16 Seattle Times Company (“Seattle Times”), docket no. 348, to stay execution of the
17 judgment entered August 15, 2018, docket no. 271, and a supplemental judgment entered
18 April 17, 2019, docket no. 337, or in the alternative to “clarify” the judgment, and (ii) a
19 motion stipulated by Seattle Times and defendant Steven Ritt, docket no. 352, to stay
20 execution of the supplemental judgment entered April 17, 2019, docket no. 337, and the
21 taxation of costs entered April 19, 2019, docket no. 338. Having reviewed all papers
22 filed in support of, and in opposition to, the motions, the Court enters the following order.
23

Discussion

On August 15, 2018, the Court entered judgment in favor of third-party defendants and cross-claimants Touchstone SLU LLC and TB TS/RELP LLC (“Touchstone”) and against Seattle Times in the amount of \$3,377,093.44 on Touchstone’s breach of contract claim premised on the Environmental Remediation and Indemnity Agreement (“ERIA”) between the parties. See Judgment (docket no. 271). Judgment was also entered in favor of Touchstone and against defendant LeatherCare, Inc. (“LeatherCare”) in the amount of \$3,580,676.85 on Touchstone’s claim under Washington’s Model Toxics Control Act (“MTCA”). Id. The liability of Seattle Times and LeatherCare to Touchstone is several, not joint, and Touchstone’s total recovery, including previous payments made by Seattle Times totaling \$4,783,434.17, may not exceed \$8,364,111.02. Id. On April 17, 2019, the Court entered supplemental judgment against Seattle Times as follows: (i) in favor of Touchstone in the amount of \$398,889.73 in attorney’s fees, and (ii) in favor of Mr. Ritt and his marital community in the amount of \$117,488.60 in attorney’s fees. See Supp. Judgment (docket no. 337). On April 19, 2019, the Clerk taxed costs against Seattle Times and in favor of Mr. Ritt and his marital community in the amount of \$10,029.66. Order (docket no. 338). The amounts owed by Seattle Times may be summarized as follows:

| Judgment Creditor | Basis for Judgment | Judgment Amount |
|---|--------------------------|-----------------------|
| Touchstone | Liability under the ERIA | \$3,377,093.44 |
| Touchstone | Attorney’s Fees | \$398,889.73 |
| Ritt & Marital Cmty. | Attorney’s Fees | \$117,488.60 |
| Ritt & Marital Cmty. | Costs | \$10,029.66 |
| Estimated Interest (2.44% per year for two years) | | \$190,490.87 |
| TOTAL | | \$4,093,992.30 |

1 Seattle Times wishes to stay execution on the judgment, supplemental judgment,
2 and taxation of costs upon the posting of two bonds, one in the amount of \$3,961,128.71
3 and the other in the amount of \$133,741.16, for a total of \$4,094,869.87.¹ Neither
4 Touchstone nor Mr. Ritt object to the proposed bond amounts, and the Court will approve
5 bonds in those amounts. See Fed. R. Civ. P. 62(b). The only issue of contention between
6 the parties is whether the Court should require Touchstone to execute on its judgment
7 against LeatherCare before seeking any additional funds from Seattle Times. Nothing in
8 the Order entered August 15, 2018, docket no. 270, or the related judgment, docket
9 no. 271, specify the sequence in which, or the party against whom, Touchstone may
10 execute on its judgment. In the absence of a remand pursuant to Federal Rule of Civil
11 Procedure 62.1, the Court could not grant Seattle Times the relief it requests. Moreover,
12 the Court would not grant such motion even if the matter were remanded because the
13 August 2018 Order and judgment accurately reflect the Court's view that Touchstone
14 may execute on its judgment in the manner it deems appropriate, so long as its total
15 recovery does not exceed \$8,364,111.02.

16 **Conclusion**

17 For the foregoing reasons, the Court ORDERS:

18 (1) Plaintiff's motion, docket no. 348, for stay of execution or alternatively
19 "clarification" of the judgment, is GRANTED in part and DENIED in part, as follows:
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21 ¹ The difference between the aggregate bond amount proposed by Seattle Times and the total
22 judgment amount calculated by the Court appears to be a miscalculation by Seattle Times of the
23 post-judgment interest associated with the attorney's fees due to Touchstone. See Pla.'s Mot. at
3 n.3 (docket no. 348) (stating two years of interest as \$20,343.38, rather than \$19,465.82).

(a) Execution on the portion of the judgment entered August 15, 2018, docket no. 271, in favor of Touchstone and against Seattle Times in the amount of \$3,377,093.44, and on the portion of the supplemental judgment entered April 17, 2019, docket no. 337, in favor of Touchstone and against Seattle Times in the amount of \$398,889.73 in attorney's fees, is hereby STAYED provided that, within twenty-one (21) days of the date of this Order, Seattle Times shall post a bond in the amount of \$3,961,128.71, which shall not expire sooner than twenty-four (24) months from the date of its issuance.

(b) To the extent Seattle Times seeks “clarification” or reconsideration of the Order entered August 15, 2018, docket no. 270, or the related judgment, docket no. 271, the motion is DENIED.

(2) The stipulated motion, docket no. 352, brought by Seattle Times and Mr. Ritt is GRANTED. Execution on the portion of the supplemental judgment entered April 17, 2019, docket no. 337, in favor of Steven Ritt and his marital community and against Seattle Times in the amount of \$117,488.60 in attorney's fees, and on the Clerk's taxation of costs, docket no. 338, in the amount of \$10,029.66, is hereby STAYED provided that, within twenty-one (21) days of the date of this Order, Seattle Times shall post a bond in the amount of \$133,741.16, which shall not expire sooner than twenty-four (24) months from the date of its issuance.

(3) The Clerk is directed to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.

Dated this 25th day of September, 2019.

Thomas S Zelly

Thomas S. Zilly
United States District Judge